



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,261	03/07/2002	Mikko Makipaa	004770.00042	9273

22907 7590 06/23/2003

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

BECKER, SHAWN M

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 06/23/2003

S

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,261

Applicant(s)

MAKIPAA ET AL.

Examiner

Shawn M. Becker

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20 and 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 20 recites the limitation "the display device" in lines 1. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 34 recites the limitation "the database" in line 13 of the claim. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 23 contains the trademark/trade name "Java™". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. *Ex parte Simpson*, 21 8 USPQ 1020 (Bd. App. 1 982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a source of data processing products and, accordingly, the identification/description is indefinite.

Art Unit: 2173

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent No. 6,507,351 to Bixler.

Referring to claim 1, Bixler discloses an apparatus for displaying screen saver views generated by a computer application operating in a screen saver mode with a storage medium and a processor coupled to the storage. See Fig. 1, 101 (Central Processor Unit with Data Storage Memory). Bixler discloses (a) monitoring the apparatus for detecting inputs from a command entry device. The apparatus of Bixler (b) determines whether a timeout period of inactivity has been exceeded, and (c) in response to step (b), executes an application in a screen saver mode. See col. 7, lines 17-21. The application of Bixler is a program that is fully functional in a full application mode and that is less than fully functional in a screen saver mode. The application creates images for presentation on a display screen in the screen saver mode. See col. 2, lines 6-15 and col. 3, lines 1-12, which describe several applications that may be implemented and fully functional in a full application mode, such as e-mail, scheduling and appointment data, web-site content, etc., and is displayed less than fully functional in a screen saver mode.

Referring to claim 14, Bixler discloses a wireless communication device (PDA), comprising a receiver, a memory storing data, and a display screen. See col. 2, lines 46-51 and Fig. 1, 101. Bixler discloses at least one application stored in the memory having at least one handle executing the at least one application in a screen saver mode when the at least one handle is selected, the at least one application creating images for presentation on the display screen in the screen saver mode, and a screen saver program stored in the memory that during operation of the screen saver program, selects the at least one application handle. See col. 2, lines 32 - col. 3, line 12.

Referring to claim 2, Bixler describes that the apparatus may be any computer device having a display, including a PDA, which is a wireless communication device. See col. 2, lines 46-51.

Referring to claims 3 and 15, the apparatus of Bixler further contains a carousel stored in the storage medium, and an application handle stored in the carousel ("display cycle"), the handle being associated with the application and executing the application in the screen saver mode. See col. 7, lines 32-55, which describes how several applications are displayed through the "display cycle". Each application must contain a handle to be identified.

Referring to claims 4 and 16, the carousel ("display cycle") of Bixler contains a database stored in the storage medium containing the application handle and rules for selecting the application handle. See col. 7, lines 2-7.

Referring to claims 5 and 17, the rules of Bixler are definable by a user of the apparatus. See col. 7, line 34, which describes how the duration, frequency, and order are user-selected. Also, see col. 7, lines 44-47.

Referring to claims 6 and 18, the rules of Bixler comprise default rules. See Figs. 7-14, which show the set-up menus, which have options that are initialized to default settings.

Referring to claims 7 and 19, the database of Bixler further contains application execution parameters associated with the handle, wherein the application is executed in the screen saver mode according to the parameters associated with the handle selected for executing the application. See col. 7, lines 32-55, which describe how the applications are displayed according to selected display characteristics (parameters).

Referring to claims 8 and 20, the application additionally has another handle comprising different execution parameters. For example, see col. 11, lines 14-46, which describe how the different parameters (characteristics) may be accessed.

Referring to claims 9 - 10 and 21, the apparatus of Bixler is in communication with a network (i.e. Internet) and displays current information generated by the application operating in the screen saver mode based on data received from the network, and the images are continually updated in response to data received from the network. For example, see col. 3, lines 58-64.

Referring to claim 22, the one of the parameters of Bixler that is associated with the network application is a uniform resource locator (URL). See col. 10, lines 14-16.

Referring to claim 23, the device of Bixler is a Java™ enabled platform (i.e. laptop or PDA) and the at least one application is written for operation in a Java™ type architectural model. See col. 6, line 43, which describes how an application may be for a web browser, which are Java™ enabled.

Referring to claim 11, the processor of Bixler further performs the step of (d) executing at least one additional application in a corresponding screen saver mode, the at least one additional

Art Unit: 2173

application being a program that is fully functional in a corresponding full application mode and that is less than fully functional in a corresponding screen saver mode, the at least one additional application creating images for presentation on the display screen in the corresponding screen saver mode. See col. 2, lines 34-39, which describes several applications that are displayed in a screen saver mode.

Referring to claim 12, Bixler discloses that the processor cycles between performing steps (c) and (d) according to an order. See col. 7, lines 32-55.

Referring to claim 13, the order of Bixler comprises rules for scheduling the execution of applications in their respective screen saver modes. See col. 7, lines 44-47.

Referring to claim 24, Bixler discloses a method of creating screen saver displays on a display device, the device having a display screen, and a storage medium. See Fig. 1, 101 and 103. The device of Bixler has a screen saver computer program stored in the storage medium, and a screen saver carousel ("display cycle") stored in the storage medium. See col. 2, line 46 - col. 3, line 12. The method of Bixler adds an application handle (identifier) to execute an application in a screen saver mode to the screen saver carousel. See col. 3, lines 1 and 5. The method starts the screen saver program in response to exceeding a timeout period of inactivity (col. 3, lines 8-9) and selects the application handle to execute the application in the screen saver mode. For example, see col. 7, lines 32-55.

Referring to claim 25, the applications of Bixler (i.e. spreadsheets; col. 2, lines 7-15) must be installed on the display device (i.e. PDA). The method comprises selecting an option for the application to operate in the screen saver mode. See col. 2, lines 51-64, which describe the setup menus for selecting the applications that are to operate in the screen saver mode.

Art Unit: 2173

Referring to claim 26, the applications of Bixler (i.e. scheduling and appointment applications; col. 2, lines 7-15) are pre-installed on the device, and the method executes the application in a full application mode on the display device, and selects an option for installing a screen saver mode for the application to operate in the screen saver mode. See col. 2, lines 30-39 and col. 10, lines 50-57, which describe the applications being executed in both full application mode and screen saver mode.

Referring to claim 27, the method of Bixler monitors the display device for a timeout signal that the application has exceeded a time period allotted for operation in the screen saver mode. See col. 7, lines 17-21. In response to the detecting the timeout signal, if another application has been configured to operate in a screen saver mode, Bixler executes another application in a screen saver mode associated with the another application. For example, see col. 7, lines 32-55, which describe how several application are displayed in a screen saver mode in a "display cycle".

Referring to claim 28, the method of Bixler monitors the display device for an input signal from a command entry, and if a signal is received from the command entry device after the application has been executed, determining whether the executed application operating in the screen saver mode is an interactive application, and if the executed application is an interactive program, terminating the screen saver program, and executing the interactive program in a full application mode. See col. 10, lines 50-58.

Referring to claim 29, Bixler discloses a computer readable medium having computer-executable instructions for performing steps comprising monitoring activity on a device having a display screen (col. 2, lines 46-51). Bixler determines whether a timeout period of inactivity on

Art Unit: 2173

the device has been exceeded (col. 7, lines 17-21). Bixler evaluates whether a screen saver carousel ("display cycle") contains application handles (identifiers), each of the application handles executing a respective application in a screen saver mode when selected. See col. 2, lines 33-39 and col. 7, lines 32-55 as examples. If the carousel ("display cycle") contains at least one application handle, and if the timeout period has been exceeded, Bixler selects the at least one application handle to execute the respective application. See col. 7, lines 32-55.

Referring to claim 30, the activity being monitored in Bixler is the detection of input signals from a command entry device in communication with the device (col. 7, lines 17-21). If a signal is not received from the command entry device, if a timeout period for operation of the respective application is exceeded, and if the carousel contains more than one handle, Bixler selects a different handle to execute another respective application associated with the different handle. See col. 7, lines 32-55, which describe the "display cycle" of different applications.

Referring to claim 31, the respective application associated with the at least one handle and the respective application associated with the different handle of Bixler are the same application configured for operation in different screen saver modes depending on the handle selected. See Figs. 7-14, which show the set-up menus, which may be configured for different screen saver modes.

Referring to claim 32, the respective application associated with the at least one handle and the respective application associated with the different handle are different applications. See col. 7, lines 32-55 and col. 2, lines 6-15, which describe different applications that may run in the screen saver mode.

Referring to claim 33, Bixler discloses that the activity being monitored is the reception of input signals from a command entry device (keyboard or mouse) in communication with the device. If a signal is received from the command entry device, after the respective application is executed, Bixler determines whether the respective application currently operating in the screen saver mode is an interactive application, and if the respective application is an interactive program, Bixler terminates the screen saver program and executes the respective interactive program in full application mode. See col. 10, lines 50-58.

Referring to claim 34, Bixler discloses a portable device (PDA; col. 2, line 51) comprising a display screen (Fig. 1, 103), a memory (Fig. 1, 101), and a command entry device (Fig. 1, 102). Bixler discloses a computer application stored in the memory, the application having at least one handle (identifier) executing the application in a screen saver mode when the at least one handle is selected. The application of Bixler is a program that is fully functional in a full application mode and that is less than fully functional in a screen saver mode. The application creates images for presentation on a display screen in the screen saver mode. See col. 2, lines 6-15 and col. 3, lines 1-12, which describe several applications that may be implemented and fully functional in a full application mode, such as e-mail, scheduling and appointment data, web-site content, etc., and is displayed less than fully functional in a screen saver mode.

Bixler discloses a different computer application stored in the memory having at least one different handle executing the different application in a different screen saver mode when the at least one different handle is selected, rules for determining the scheduling for selecting the at

Art Unit: 2173

least one handle, and parameters (characteristics) associated with the at least one handle for controlling operational aspects of the application. See col. 7, lines 32-55.

Bixler discloses a screen saver program stored in the memory selecting the at least one application handle during operation of the screen saver program according to the rules, and a processor coupled to the memory that monitors the device for detecting inputs from the command entry device, determines whether a timeout period of inactivity from the inputs has been exceeded, and in accordance with the instructions from the screen saver program, selects the at least one handle stored in the carousel ("display cycle"). See col. 2, line 46 - col. 3, line 12.

If a signal is not received from the command entry device, if a timeout period for operation of the respective application is exceeded, and if the carousel contains more than one handle, Bixler selects a different handle to execute another respective application associated with the different handle. See col. 7, lines 32-55, which describe the "display cycle" of different applications.

If a signal is received from the command entry device, after the respective application is executed, Bixler determines whether the respective application currently operating in the screen saver mode is an interactive application, and if the respective application is an interactive program, Bixler terminates the screen saver program and executes the respective interactive program in full application mode. See col. 10, lines 50-58.

Conclusion

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

Art Unit: 2173

these references fully when responding to this action. The documents cited therein teach screensavers in wireless devices that may be less than fully functional versions of applications.

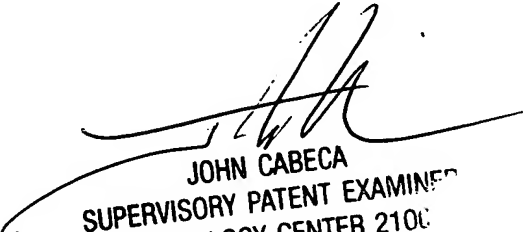
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756.

The examiner can normally be reached on M-T 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-745-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb
June 12, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100